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JOURNAL

OF THE

HONORABLE COUNCIL.—1851.

X

JOURNAL

OF THE

HONORABLE COUNCIL

OF THE

TERRITORY OF N. MEXICO;

BEING THE



FIRST SESSION OF THE FIRST LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

IN THE CITY OF SANTA FE,

JUNE 3, 1851.

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PRINTED IN THE SANTA FE GAZETTE OFFICE.

1855.

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# JOURNAL

OF THE

HONORABLE COUNCIL.

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JUNE 3, 1851.

At ten o'clock, A. M., of this day, the following members of the Council assembled:

Juan Felipe Ortiz,
José Francisco Leiba,
Hugh N. Smith,
Antonio Jose Martinez,
George Gould,
Vicente Martinez,
Tomas Cabeza de Baca,
José Manuel Gallegos,
Juan Cristoval Chavez,
Francisco Antonio Otero, and
Florentino Castillo.

The council being called to order by the acting Secretary of the Territory, the members presented their certificates of election, which after being examined and found to be legal, they took the oath of office and their seats as members of the council.

The council thus organized,

Proceeded to the choice of president pro tem.

Mr José Manuel Gallegos being nominated, was unanimously chosen president pro tem.

The council then proceeded to appoint a chief clerk pro tem.

Mr Facundo Pino being nominated was unanimously elected chief clerk, pro tem.

The council then proceeded to the choice of president for the present term.

Mr Juan Felipe Ortiz being nominated, was unanimously chosen president, whereupon

The council immediately proceeded to the choice of the other permanent officers of the council, and the following persons were elected :

Mr. Facundo Pino, chief clerk,
E. G. Nicolson, assistant clerk,
Nicolas Quinfara y Rosas, third clerk,
Elias Clark, fourth clerk,
Ignacio Ruival, door-keeper,
Robert Perry, sergeant at-arms.

The above choices being made,

On motion of Mr Gould,

The council proceeded to the choice of a vice-president.

Mr José Antonio Martinez being nominated was unanimously elected to that office.

The council being organized,

On motion a committee was appointed to wait on H. E. the Governor to inform him, and also the House of Representatives that the council were organized, and ready to receive any message he or they might be pleased to make.

The committee appointed were

Messrs Hugh N. Smith, J. F. Leiba, and José Manuel Gallegos.

The committee reported to the council that they had discharged the duties assigned them.

On motion of Mr Smith,

The council adjourned until 5 o'clock, 1. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The council being invited by the house of representatives to hold a joint session,

The council proceeded to the representative hall, and heard the Governor's message read in the English and Spanish language, whereupon the council retired to their chamber.

On motion of Mr Baca, the council proceeded to take up the Governor's message.

On motion of Mr Smith, a committee was appointed to draw up rules for the government of the council.

The committee appointed was composed of Messrs Smith, A. J. Martinez and V. Martinez.

On motion of Mr Baca,

The council adjourned until to-morrow at 10 o'clock, A. M.

JUNE 4.

The council met pursuant to adjournment.

Absent, Pablo Gallegos.

Mr Pablo Gallegos appeared, presented his credentials of election, which on examination were found to be legal, whereupon,

He was sworn in, and took his seat as a member of the council.

Mr E. G. Nicolsen having resigned the office of clerk,

Mr H. Cuniffe was chosen to fill the vacancy.

Mr José Manuel Gallegos offered the following resolution :

Resolved, That a joint committee of three members from each house be appointed, to agree upon and appoint a proper person to translate from English to Spanish, and *vice versa*, and whose duty shall be to deliver to the printer the laws properly arranged and corrected according to their originals.

The resolution was adopted.

The committee appointed was composed of

Messrs Gould, Ortiz and Castillo.

Mr Leiva offered the following resolution :

Resolved, That it being necessary that the council should understand the constitution of the United States, as also the Governor's message, this house shall determine what number of copies shall be authorized to be printed in Spanish for the information of each member of this house.

The resolution was rejected.

Mr Cabeza de Baca offered the following resolution :

Resolved, That a committee be appointed to ascertain the cost of printing the Governor's message and the general constitution to which the message refers, which in compliance with the organic law he has made to the Legislative Assembly.

The resolution was adopted.

The committee appointed was composed of
Messrs Gould, A. Ortiz and Castillo.

The following message was received from the Governor:

Sir:—I have the honor to inform you, that Mr D. V. Whiting is the secretary and translator of this department, and also acting Secretary of the Territory in the absence of the permanent Secretary appointed by the President of the United States, and will be the officer authorized to communicate with this department and the branch of the Legislature over which you preside.

I am, Sir, your obedient servant,

J. S. CALHOUN.

On motion of Mr Smith, the council adjourned.

JUNE 5.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee appointed to draw up rules for the government of the council, reported a set of rules which, after revision and amendments, were adopted.

The committee appointed to ascertain from what funds the public printing for the Legislature should be paid out, made the following report :

“The Governor respectfully refers the committee to section 12th of the organic law of the United States for information relative to expenditures.”

Mr Gould offered the following resolution :

Resolved, That a committee of three members be appointed to contract and superintend the printing of a thousand copies of the Governor's message, and that five hundred copies shall be printed in English and five hundred in the Spanish language, for the use of the council.

The resolution was adopted.

The committee appointed was composed of

Messrs P. Gallegos,

Otero, and

A. Ortiz.

Mr Gould offered the following joint resolution :

Be it resolved by the council and house of representatives of the Territory of New Mexico :

That a joint committee composed of three members from each

house, be appointed, whose duty it shall be to contract for and superintend the printing of five hundred copies of the constitution of the United States in Spanish, for the use of the citizens of this Territory."

The resolution was read the first time.

On motion, the rules being suspended for the purpose, it was read the second and third time, and passed.

On motion, the council adjourned.

JUNE 6.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee charged to draw up rules for the government of this house, presented the same.

On motion of Mr M. Gallegos,

Resolved, That the rules that had been substituted be laid on the table until the following day.

Two communications were received from the Governor, one on the subject of negotiating a loan of 10,000 dollars, and the other relative to the Legislature taking the measures that they may deem necessary touching the mode to be established for the collection of revenue due from the newly established county, and also after collection, to what purposes it shall be applied.

The committee appointed to contract for the printing of a thousand copies of the Governor's message, report, that they had not been able to make an arrangement with the printer, for the reason that the sum of two hundred dollars appeared excessive for the work, and the committee therefore recommend the matter to the deliberation of the council.

On motion of Mr Smith,

Resolved, That the joint committee to contract for the printing of a thousand copies of the Governor's message, be authorized to apply to H. E. the Governor for a new arrangement on the subject.

On motion of Mr Gould, Charles Thayer was elected door-keeper of the council, who after taking the oath of office, entered upon the discharge of his duties.

On motion of Mr Leiba,
The council adjourned until 4 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.
All the members were present.
There being no business before the council, the session rose.

JUNE 7.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee appointed to contract for the printing of a thousand copies of the Governors message, report, that they had not been able to do it.

Mr Martinez of the committee to revise the rules for the council,

Moved to take them into consideration.

Agreed to.

The following amendments were made and adopted : additional article,

Whenever the president may wish to speak on any question, the president pro tem. shall occupy the presidential chair, and in case he is not present, the president may call any other member present to the chair.

Mr J. M. Gallegos moved to amend article third as follows :

Strike out the word "supported," and insert "seconded."

On motion of Mr Smith, the word "three" was stricken out of article 6, chapter 3.

On motion of Mr Gallegos, the article the following :

"Whenever any spectator or spectators shall cause any disturbance, or undue respect to the house, the president shall order the sergeant-at-arms to remove the person so offending from the chamber, and should he persist in his disorderly conduct, he shall order him to be tried and punished as the house may direct."

Mr Smith offered the following resolution :

Resolved, That there be appointed by the Legislative Assembly a joint committee, to ascertain on what terms and from

whom a loan of ten thousand dollars can be negotiated, to pay the incidental expenses of the Legislative Assembly and of the Territorial government of New Mexico, and inform both houses thereof of their success.

The committee appointed were Messrs Gould and J. M. Gallagos.

Mr Leiba moved that the president and chief clerk place their rubric to the proceedings of the council, and that after the proceedings have been copied in the register, they shall be signed by them.

On motion, the council adjourned.

JUNE 8.

The council met pursuant to adjournment.

The journal of the 7th was read and approved.

On motion of Mr Baca, the council proceeded to take up the report of the committee relative to the printing of the Governor's message.

Mr P. Gallegos offered the following resolution :

Resolved, That the council proceed, without referring again to the printers, to determine relative to the publication of H. E. the Governor's message.

The resolution was rejected.

Mr J. M. Gallegos offered the following resolution :

Resolved, That the council appoint two member more to the committee, authorized to contract for the printing of a certain number of the Governor's message, and that the committee shall see the printers again, for the purpose of making a new contract.

The resolution was adopted.

Mr A. Ortiz offered the following resolution :

Resolved, That believing that the labors of the chief clerk is much increased by having to revise the proceedings, in consequence of the additions and amendments thereto, I ask that the vote, on the adoption of the resolution requiring to do it, may be reconsidered.

On motion of Mr Smith, the resolution was laid on the table.

The president, in accordance with the rules, appointed the standing committees.

On motion, the council adjourned.

JUNE 9,

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

On motion of Mr Baca, the resolution offered by Mr Ortiz was taken up, and after being discussed, it was determined that the president and chief clerk should only sign the proceedings after being copied in the book.

The committee appointed to contract for the printing of a thousand copies of H. E. the Governor's message, made the following report:

The committee would respectfully report, that they have seen the printers, and ascertained the amount asked for printing a thousand copies of the Governor's message, which is the sum of \$133 66½

The report was adopted, and the message ordered to be printed.

Mr Martinez moved that one hundred copies be printed for the use of the council.

Agreed to.

On motion of Mr Gold, the house of representatives was informed of the determination of the council, relative to the publishing of the message.

On motion, the council adjourned.

JUNE 10.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee appointed to ascertain the sum charged for printing the rules of the council, and rules of both houses, reported the amount charged to be sixty dollars for one hundred copies.

Mr Leiva moved that the printing of rules be suspended for the present, for the reason that they required amendments.

Agreed to.

Mr Smith moved that the part of H. E. the Governor's message, relative to the permanent establishment of the Capital, be referred to the committee on Territorial affairs.

The motion was adopted.

Two messages were received from the house of representatives, in the English language, and for want of an interpreter,

On motion of Mr Smith, the messages were laid on the table until the following day.

Mr J. M. Gallegos offered the following resolution:

Resolved, That a committee be appointed to solicit the services of a proper person to act as interpreter for the council.

The resolution was adopted.

The committee appointed were

Messrs. J. M. Gallegos,
V. Martinez, and
Otero.

Whereupon the council adjourned.

JUNE 12.

The Council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee appointed to solicit the services of an interpreter, reported in favor of James M. Giddings,

Who, being present, took the oath of office, and entered immediately upon the discharge of his duties as such.

On motion of Mr V. Martinez,

The messages from the house, which had been laid upon the table the previous day, were taken up, and were read by the interpreter, as follows :

One informing the council of the receipt of the resolution, in which was set forth the disposition of the resolutions sent to the house of representatives, and at the same time informing the council that said resolution had been unanimously laid upon the table until Easter.

Which, on motion of Mr Smith,

Was laid upon the table.

The other, informing the council that the resolution passed by the council, relative to the appointing of a joint committee, to obtain a loan of ten thousand dollars, had been concurred in by the house of representatives.

The committee appointed to obtain a loan of ten thousand dollars, reported—

That they could effect the loan on paying one and a half per cent. per month.

Mr Smith offered the following resolution:

Resolved, That the report of the committee be adopted, and that the same committee be authorized to negotiate the loan, under the conditions contained in their report.

The resolution was adopted.

The resolution of the council, remitted to the house of representatives, relative to the appointing of a joint committee, to agree upon, and propose, some suitable person as translator from

English to Spanish, and *vice versa*, was concurred in by the house of representatives.

Mr A. J. Martinez offered the following resolution:-

Resolved, That a committee be appointed to draw up a bill regulating the affairs between masters and servants.

The resolution was adopted, and

The committee on Judiciary were authorized to draw up the said bill.

Whereupon the council adjourned

JUNE 13

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Baca, from sickness.

The committee appointed to solicit the services of a translator for the Legislative Assembly, laid before the council the conditions made by the person solicited for the purpose, which,

On motion of Mr A. J. Martinez,

Were laid on the table until the following day.

On motion of Mr V. Martinez,

The communication from H. E., the Governor, relative to the revenue due from the county of Socorro, was referred to the committee on revenue

Mr Smith introduced a bill

“Defining the duties and power of the Attorney General, and those of the district attorneys,”

And on motion of Mr Smith,

The bill was referred to the committee on judiciary.

A joint resolution was received from the house of representatives, authorizing the committee appointed to obtain a loan of ten thousand dollars, to negotiate the same under the conditions set forth in their report.

The Hon. council answered the resolution by remitting a similar one, which had been unanimously passed by the council.

Mr P. Gallegos asked for a leave of absence for six days,

Which, on motion, was granted him.

On motion, the council adjourned.

JUNE 14.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Pablo Gallégo, on leave.

The committee authorized to employ a translator for the legislative assembly, made their report, which;

On motion of Mr A. J. Martínez,

Was returned to the committee with instructions to make the report more exact.

A set of resolutions were received from the house of representatives, relative to the negotiation of a loan of ten thousand dollars.

The resolutions were read the 1st time, and

On motion of Mr Gold,

The rules were suspended, and

The resolutions were read 2d time, whereupon,

On further motion of Mr Gold,

The rules were further suspended, the resolutions read 3d time and passed unanimously.

The resolutions were returned to the house of representatives for their information.

Mr A. J. Martínez asked eight day's leave, which was granted.

On motion, the council adjourned.

JUNE 16

The council met pursuant to adjournment.

The journal of the 14th inst., was read and approved.

Mr A. J. Martinez informed the council that he had availed himself of the leave of absence granted him.

The committee authorized to employ a translator

Reported that they had not been able to employ one on any other terms than those stated in their previous report.

Mr A. J. Martinez introduced a bill of the following title:

“An act establishing the office of Translator for the Territory of New Mexico.”

On motion of Mr V. Martinez,

The bill was read 1st time.

Mr Smith moved to strike out the words “two thousand” and insert “one thousand five hundred.”

The amendment was rejected.

Mr V. Martinez moved to add, in the fourth section, after the words “two thousand dollars,” the words “per annum.”

Agreed to.

Mr Smith moved to strike out of section 4th all after the word “quarterly.”

The amendment was rejected.

On motion of Mr V. Martinez,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent, Messrs P. Gallegos and President.

Mr Smith moved that in section 1st, after the word "appointed," insert "by the Governor, by and with the advice and consent of the Legislative council,"

The amendment was adopted.

Mr. J. M. Gallegos moved to strike out of section 5th the words "and in others," and insert "for a term not exceeding three months in the year,"

Which amendment was adopted.

Mr J. M. Gallegos proposed the following section:

"Immediately after the approval of this act, a Translator shall be appointed."

Which was adopted.

On motion of Mr V. Martinez,

The rules being suspended for the purpose,

The bill was read 3d time and passed.

On motion,

The council adjourned.

JUNE 17.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr P. Gallegos.

Mr Smith and J. M. Gallegos were appointed as a committee on the part of the council, to act with a committee of two from the house of representatives, to discharge the duties required in the 5th article of the rules of both houses.

Mr Baca introduced a bill of the following title:

“An act relative to contracts of personal property.”

The President pro tem. in the chair.

On motion of Mr Juan F. Ortiz,

The bill was referred to the committee on judiciary.

On motion,

The council adjourned.

JUNE 18.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Messrs Smith, Baca, P. Gallegos. J. M. Gallegos and President.

Whereupon, on motion of Mr A. Ortiz,

The council adjourned until 5 o'clock, p. m.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent, Messrs Smith, Baca, P. Gallegos, and President.

The President informed the council, by communication, that he was unwell and could not attend.

Mr A. Ortiz offered a set of resolutions, which,

On motion, were referred to the committee on Acequias and Roads.

On motion, the council adjourned.

JUNE 19.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Messrs P. Gallegos, Leiba and President.

A council bill, entitled,

“An act establishing the office of Translator for the Territory of New Mexico,”

Was concurred in by the house of Representatives.

The bill was sent to the Governor for his approval and signature.

A message was received from H. E. the Governor, informing the council that he had approved

“An act establishing the office of Translator for the Territory of New Mexico;”

And also notifying the council that he nominated D. V. Whiting to fill that office.

On motion,

The nomination made by H. E. the Governor, was concurred in by the council.

Whereupon H. E. the Governor was informed of the fact.

House bills, of the following titles, were received :

“An act, fixing the time that the laws passed at this session of the Legislature shall take effect,”

And

“An act, defining the style in which the bills and resolutions shall be drawn.”

The bills were read, and
 On motion of Mr Gold,
 Were referred to the committee on judiciary.
 The committee on judiciary, to which was referred

“An act, regulating civil contracts relative to personal property
 sold or purchased in this Territory,”

Return the same back to the council without amendments.
 On motion, the bill was read.
 The committee on elections
 Presented a bill of the following title :

“An act relative to elections.”

The bill was read, and,
 On motion of V. Martinez,
 The rules being suspended for the purpose,
 The bill was read the 2d time.
 Mr Smith offered the following resolution :

Resolved : That the committee on public printing be instructed to inform the public, that sealed proposals will be received for the publication of the Laws and Joint Resolutions that are passed at this session of the Legislature, and that said committee shall report as soon as possible to this house.

The resolution was adopted.
 On motion, the council adjourned.

JUNE 20.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

A bill

“Relative to elections,”

Was read the 2d time.

Mr Smith moved to strike out the words, in the 22d, “30 years of age and over,” and insert “24 years of age and over.”

The amendment was rejected.

Mr Smith moved to add to section 41,

“And those who shall commit perjury shall suffer the punishment prescribed by law for such offence.”

Which amendment was adopted,

Mr Smith moved to amend the fifth section as follows:

Add, after the word “constable,” “whose election shall be by the qualified voters in their demarcation; and the jurisdiction of the justices of the peace, and constables, shall extend only to their respective demarcations.”

Which amendment was rejected.

Mr Smith moved to strike out the word, or number, “fifth,” in the 22d section.

Rejected.

Mr V. Martinez moved to adjourn until 5 o'clock, P. M.

Agreed to.

So the Council adjourned.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Mr V. Martinez offered the following addition to section 46:

"Should a tie again result, it shall be decided by lot."

The addition was admitted.

Mr A. J. Martinez offered the following amendment to section 21:

"The delegate to the general Congress shall be 25 years of age and upwards."

The amendment was adopted.

Mr Chavez offered the following:

Add to section 18, "That said constables shall be paid for their services, two cents for every person summoned, which shall be paid out of the treasury of their respective counties."

The amendment was adopted.

Mr A. J. Martinez offered the following section:

"That this act shall take effect immediately after its approval."

Which was adopted.

On motion of Mr A. J. Martinez,

The bill was read 3d time and passed.

On motion, the bill entitled

"An act regulating contracts relative to herds,"

Was read 2d time.

Mr V. Martinez introduced a bill entitled

“An act, regulating contracts between masters and servants.”

The bill was read and laid on the table.

On motion the council adjourned.

JUNE 21.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Baca.

A communication was received from the translator, inquiring what room would be assigned him for his office, and the means of furnishing the same.

On motion of Mr Smith,

The communication was referred to the committee on Legislative expenses.

On motion of Mr Castillo,

Mr N. Quintana y Alarid was elected assistant Clerk.

On motion of Mr Gold,

A bill

“Regulating contracts relative to herds,”

Was laid on the table until Monday.

On motion of Mr Smith,

A bill

“Regulating contracts between masters and servants,”

Was ordered to the translator for translation.

Mr Smith presented the resignation of the 2d assistant clerk.

Which was accepted.

A house memorial, to the Congress of the United States, was received,

“Praying an appropriation for school purposes.”

The memorial was read, and

On motion of Mr Smith, the memorial was referred to the committee on education.

On motion of Mr Martinez, the council adjourned until 5 o'clock, P. M

AFTERNOON SESSION.

The council met pursuant to adjournment.

Mr Quintana y Alarid appeared, took the oath, and entered upon the discharge of the duties of his office.

Mr Smith offered the following joint resolution :

Be it resolved by the council and house of representatives of the Territory of New Mexico :

That the certificate of the president of the council and of the speaker of the house of representatives, shall be sufficient to authorize the auditor of public accounts to audit, and for the treasurer to pay the accounts of the persons employed in the respective houses, according to law.

The resolution was read, and

On motion of Mr Smith,

The rules were suspended, and the resolution read the second time.

On further motion of Mr Smith,

The rules were further suspended, and the resolution read the third time and passed unanimously.

A house bill,

“Establishing the pay per diem of the officers of the Legislative Assembly.”

The bill was read, and

On motion of Mr Smith,

The rules being suspended for the purpose, the bill was read the second time.

Mr Gould offered the following amendment :

After the word “door-keeper,” in the 7th line of the 1st section insert the word “interpreter.”

The amendment was unanimously adopted.

On motion of Mr Smith,

The rules being suspended for the purpose, the bill thus amended was read the third time and passed.

On motion of Mr V. Martinez, the council adjourned until Monday, the 23d inst.

JUNE 23.

The council met pursuant to adjournment.

The journal of Saturday was read and approved:

A house memorial to the general Congress

"Praying for an appropriation of \$50,000 for repairing the road to Taos."

Which was referred to the proper committee.

A house bill

"Relative to matrimony,"

was read, and referred to the judiciary committee.

A house joint resolution

"Relative to furnishing the translator a room and the necessary stationery for his office,"

was read the first time, and

On motion of Mr Gould,

The rules were suspended, and the resolution read the second time.

Mr Leiba offered the following amendment:

"The translator shall remain in the room that may be assigned him for his office, during the time the session continues, and that the stationery shall be paid for out of the funds appropriated for this and other purposes."

The amendment was adopted.

On motion, the rules were further suspended, and the resolution as amended was read the third time and passed.

A message from the house of representatives was received, informing the council that a resolution

"Relative to the means of paying the members of the respective houses,"

was concurred in by the house of representatives.
On motion, the bill

"Relative to contracts of herds,"

was taken up, whereupon

Mr A. J. Martinez offered the following as a substitute to section 4:

SEC. 4. That if any person not belonging to the place, or should he belong thereto and not an owner of real estate, and not acknowledge to be his place of residence as provided in this law, that shall sell or pledge such as cattle, beasts or animals, of any kind, he may be informed on by any person of the town, before the respective public officer, or person that has jurisdiction of the case, and on conviction of such sale, he shall be fined in the sum of twenty-five dollars, which shall go to the county in which such convictions were had, and the person making such sale shall be compelled to prove his right of property in such animals, and if not proved, they shall be attached and sequestered, and he shall be imprisoned and proceeded against according to law, until he shall prove legal right to the property and should he be found guilty, he shall be punished according to, and in accordance with the laws.

On motion of Mr Gould, the bill was laid on the table until the afternoon.

On motion of Mr Smith,

The council adjourned until 3 o'clock, 1. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The president pro tem. in the chair.

The amendment offered by Mr A. J. Martinez to the bill

“Relative to contracts of herds,”

was rejected.

Mr J. M. Gallegos moved to strike out of section fifth “as above stated.”

The amendment was adopted.

Mr V. Martinez moved to strike out the words “this bill,” in section 7, and insert “law.”

Which amendment was adopted.

On motion of Mr Gould, the bill was laid on the table until the following day.

On motion of Mr V. Martinez, the translator was directed to return the bill ordered to him for translation

“Regulating contracts between masters and servants.”

On motion of Mr Gould, the council adjourned until the 25th inst., at 10 o'clock, A. M.

JUNE 23.

The council met pursuant to adjournment.

The journal of the 23d was read and approved.

Mr Baca, on leave, introduced a substitute to the bill

“Regulating contracts relative to animals.”

The bill was read the first time.

On motion of Mr Baca, the rules being suspended for the purpose,

The bill was read the second time.

Mr Gould offered the following amendment to section 4:

“Provided, that if any person shall detain or sue any other person for selling or offering for sale his own property, he shall be responsible to the party so detained or sued for all the expenses or costs.”

The proviso was unanimously adopted.

Mr Gould offered the following amendment to section 2:

“No person shall use in the cattle or sheep the mark of cutting the ears close to the head, and in case any animals shall be legally obtained by any person, in such case, the person or persons so obtaining them shall use a mark that shall be recorded as already provided.

The amendment was unanimously adopted.

On motion of Mr V. Martines, the following amendment was made to section 4, line 18:

“Not less than five dollars nor more.”

On motion of Mr Smith,
Articles 6th and 7th were stricken out.

On motion of Mr Gould,

The rules were suspended for the purpose, and the bill read the third time and passed.

A message was received from the Governor informing the council of the approval of joint resolution

“Providing for the payment of the members of the Legislative Assembly,”

that originated in this house.

A house bill

“Providing for the pay of the persons that took the last census of the Territory.”

The bill was read the 1st time.

On motion of Mr Leiva,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

The committee on judiciary, to which was referred

“An act, securing the rights of Matrimony,”

Submitted a substitute, bearing the same title.

Also, another, entitled

“An act, defining the style of all the laws and joint resolutions that are passed by the Legislative Assembly of the Territory of New Mexico,”

And a bill

“Fixing and establishing the time at which all the laws passed by the Legislative Assembly of the Territory of New Mexico shall take effect,”

With an amendment thereto, as follows:

Strike out “fifty days” and insert “thirty days.”

The committee respectfully returns the above bills to the council, and recommend their passage.

On motion of Mr Smith, the bill

“Regulating the style of all the laws and joint resolutions passed by the Legislative Assembly,”

Was read the second time.

On further motion of Mr Smith,

The rules were suspended for the purpose, and

The bill was read the 3d time and passed.

“An act, fixing and establishing the time in which all the laws and joint resolutions passed by the Legislature shall take effect,”

Was read the 2d time.

Whereupon the council adjourned.

JUNE 26.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Leiva.

On motion,

“An act, regulating the pay of the persons that took the last census of the Territory,”

Was read the 2d time.

On motion of Mr A. J. Martinez,

A bill

“Regulating contracts between masters and servants,”

was taken up.

Mr J. M. Gallegos moved to strike out of section 4th, all after the words, “unless the son shall have obligated himself,” to the words, “and the male twenty-one years of age, inclusive.”

The ayes and noes being called,

It was decided in the negative.

Those who voted in the affirmative, were

Messrs Gold,
P. Gallegos,
J. M. Gallegos,
Smith,
Castillo, and
President.

Those who voted in the negative, were

Messrs A. J. Martinez,
V. Martinez,
Otero,
Crtiz,
Baca, and
Chavez.

The vote being reconsidered,
It was decided in the affirmative.
Those who voted in the affirmative, were

Messrs A. J. Martinez,
Gold
P. Gallegos,
Smith,
Baca,
J. M. Gallegos,
Chavez,
Castillo, and
President.

Those who voted in the negative, were

Messrs V. Martinez,
A. Ortiz, and
Otero.

So the amendment was adopted.

On motion of Mr Smith,

All after the word "deceased," in section 6th, was stricken out.

On motion of Mr Smith,

The words "besides him" were stricken out of the 12th section.

Mr Baca offered the following addition to section 5th:

The contract treated of, cannot be rescinded without the previous consent of the master.

The ayes and noes being called on the a loption,

It was decided in the negative.

Those who voted in the affirmative, were

Messrs P. Gallegos,
Baca, and
President.

Those who voted in the negative, were

Messrs A. J. Martinez,
Gold,
V. Martinez,
A. Ortiz,
J. M. Gallegos,
Otero,
Chavez, and
Castillo.

So the amendment was rejected.

A joint resolution

"Authorizing the president of the council and the speaker of the house to provide a room for translator, and also, the necessary stationery,"

Was received from the house, notifying the council that the house would not concur in the amendment of the council.

On motion of Mr J. M. Gallegos,

The amendment was reconsidered, and rejected, and the resolution concurred in as received from the house of representatives; whereupon,

On motion of Mr Smith,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent Messrs Leiza and President.

The president pro tem. in the chair. -

On motion,

"An act, relative to contracts between masters and servants,"

Was taken up.

Mr Smith moved to strike out of section 4th, the words, "should he die."

The ayes and noes being taken on the amendment,

It was decided in the negative.

Those who voted in the affirmative were

Messrs Gold,
Smith, and
J. M. Gallegos.

Those who voted in the negative were

Messrs A. J. Martinez,
V. Martinez,
P. Gallegos,
Baca,
Castillo,
Otero, and
Chaves,

So the amendment was rejected.
 On motion of Mr J. M. Gallegos,
 Section 13 remained as follows:

If any person or persons shall trust a servant for money or other property, he or they shall have the right to exact the payment, until the said servant shall have remained in the service of his master until he has paid the money he owes him, unless the master shall be willing to pay the debt.

On motion of Mr Gold,
 The following sections were added to the act under consideration:

1. This kind of contract can be entered into by any free man or woman, who is not prohibited by law or other legal causes that prevents them from complying with the contract.

2. That persons under the age of twenty one years, and that are under the paternal control, cannot enter into the contract mentioned in this law; excepting those under the age of fourteen to twenty years, who are not under paternal control, nor the control of any person as tutor or guardian; in such case they will be considered as the persons mentioned in the foregoing section are.

3. All persons having servants, may give them each month, on their account, when they may solicit it, two-thirds of their monthly pay, to assist their families.

On motion of Mr Smith,
 The bill was ordered to be engrossed.
 On motion of Mr Smith,
 A bill entitled

“An act, securing the matrimonial rights,”

Was taken up, and
 On motion of Mr J. M. Gallegos,
 The 5th section was suppressed.
 On motion of Mr J. M. Gallegos,
 The bill was laid on the table until to-morrow.
 On motion of Mr Smith,
 The council proceeded to take up

“An act fixing and establishing the time in which all the laws and resolutions passed by the Legislative Assembly of the Territory of New Mexico shall take effect.”

The amendment made to the bill, by the committee on judiciary, was adopted.

The committee on education, to whom was referred a memorial

Praying an appropriation for school purposes,

Returned the same, with an amendment,

Which was adopted.

A house bill entitled

“An act, incorporating the city of Santa Fé.”

The bill was read, and

On motion, the council adjourned.

JUNE 27.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Baca.

On motion, the council proceeded to take up

“An act regulating matrimonial rights.”

Mr A. J. Martinez moved to insert in the place of the 5th section of the said bill, that had been suppressed, the following:

SEC. 5. That the wife shall have the right to demand the dowery, or any part she may have as her own, when the husband shall have wasted the property in gambling, or in any other abuses in his bad management; and in such case she may ask in trial the restitution of the property, and the judge shall hear her by taking connosance of the case, and it appearing just, he shall give judgment against the husband, ordering him to make such restitution; and the wife may take the property as administratrix, or place the property in the hands of a third responsible person, who shall take good care thereof, and who shall apply the product to her support, or the support of both parties.

Mr Leiva moved to strike out the words, “both parties.”

The amendment was rejected, and

The section adopted;

Having voted in the affirmative—

Messrs A. J. Martinez,
V. Martinez,
P. Gallegos,
A. Otero,
Castillo, and
President.

Those who voted in the negative were
Messrs Gold,
Smith, and
Leiva.

On motion of Mr Smith,
The bill was read 3d time and laid on the table.
On motion, the council proceeded to take up

“An act, providing for the pay of those who took the last census.”

Which was read 3d time and passed.
On motion, a memorial to Congress,

“Praying an appropriation for school purposes,”

Was read 3d time and passed as amended.
A joint resolution was received from the house of representatives, explanatory of a joint resolution approved June 17, 1851,

“Authorizing a loan of ten thousand dollars to be negotiated to pay the expenses of the Legislature.”

The joint resolution was read, and
On motion of Mr Smith,
The rules were suspended, and the resolution read a 2d and 3d time, and passed unanimously.
On motion of Mr Smith,
The following was added to the joint resolution:

“That this resolution shall take effect on the date of the approval thereof.”

On motion,
The council proceeded to take up the bill entitled

“An act, relating to contracts between masters and servants.”

The bill was read the 3d time, and
The ayes and noes being called for, on its final passage,
It was decided in the affirmative.
Those who voted in the affirmative were

Messrs A. J. Martinez,
V. Martinez,
P. Gallegos,
A. Ortiz,
J. M. Gallegos,
Otero,
Castillo, and
President.

Mr Smith voted in the negative.
On motion of Mr A. J. Martinez,
The council adjourned.

JUNE 28.

The council met pursuant to adjournment.
 The journal of yesterday was read and approved.
 On motion,
 The council proceeded to take up

“An act, incorporating the city of Santa Fé.”

The bill was read 2d time and referred to a special committee.
 The committee appointed was composed of
 Messrs A. J. Martinez,
 V. Martinez, and
 Baca.

On motion of Mr A. J. Martinez,

“An act, securing the matrimonial rights,”

Was taken up from the table.
 On motion of Mr V. Martinez,
 The bill was laid on the table until the afternoon.
 Mr D. V. Whiting presented a communication, purporting
 to be from H. E. the Governor, and on examination it not ap-
 pearing that it was from the Governor,
 On motion of Mr Smith,
 The communication was returned to Mr Whiting.
 On motion of Mr Leiva.
 The council adjourned until 5 o'clock, p. m.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent Messrs Gold and President.

The president pro tem. in the chair.

On motion,

The council proceeded to take up

“An act, securing matrimonial rights.”

On motion of Mr J. M. Gallegos,

The 5th section was rejected, and the following substitute inserted :

“That the wife shall have the right of property in the property acquired by donation, or by inheritance, or in any other legal manner, but the administration of the property belongs to the husband, and the product arising therefrom shall be considered ganantial property which belongs to both ”

On motion of Mr J. M. Gallegos,

The word “delivered,” in section 6th, was stricken out, and the word “in ” was inserted.

Mr A. J. Martinez moved to insert the following as the last section of said bill:

“That the wife shall have the right to recover the property mentioned in this law, of any denomination whatever, the property being hers, in case the husband is wasting the same in gambling, or in any other abuse in the mis-management thereof, and in such case she may ask on trial the restitution thereof, and the judge shall hear her, by taking connosance of the case, and if

her claim shall appear just, he shall sentence the husband to make such restitution, and she may act as administratrix of the same, or place the property under the charge of a responsible person, who shall take good care of the property, and apply the product thereof to the support of the wife, or of both."

On motion of Mr Smith,

The bill was read the 3d time and passed.

On motion of Mr Chavez,

The council adjourned until the 30th inst., at 10 o'clock, A. M.

JUNE 30.

The council met pursuant to adjournment.
 The journal of the 28th was read and approved.
 There being no business,
 On motion of Mr Baca,
 The council adjourned until 4 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.
 The President pro tem. in the chair.
 The special committee to which was referred,

“An act incorporating the city of Santa Fé,”

Reported,

That after having examined the act, section by section, report the act back to the council, with the accompanying amendments, and recommend its passage.

In section 3d, and in the 8th line, after the word “foregoing” strike out all that follows, and insert, “The mayor and members of the council shall hold their offices for one year, and until their successors be elected and qualified.”

In section 12th, first line, after the word "the," strike out "mayor" and insert "marshal."

In the 16th section, 11th line, after the word "that," the word "that" that follows, strike out.

In the same section and line, after the word "male" strike out "2."

In the same section, line 19th, strike out the word "all."

The above amendments were adopted.

Mr Smith moved to add to section 7th the following:

"That all necessary expense to sustain the corporation and the city police, shall be raised by an equal tax upon all classes of property and goods, and all kinds of capital."

The amendment was rejected.

On motion of Mr Smith, the following was added as the last section:

"This act shall be in force after the date of its approval."

On motion,

The act was read the 3d time, and passed as amended.

The committee on roads and ditches, reported:

That the committee had taken such papers presented by A. J. Martinez as in their opinion belonged to the committee, and return the balance to the council to be referred to the appropriate committee.

The papers presented by the committee were referred to the committee on judiciary.

On motion of Mr V. Martinez,

The council adjourned until July 1st, at 10 o'clock, A. M.

JULY 1.

The council met pursuant to adjournment.
 The journal of yesterday was read and approved.
 There being no business before the council,
 On motion of Mr Smith,
 The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.
 Absent, Messrs Smith, Baca, P. Gallegos. J. M. Gallegos
 and President.
 The president pro tem. in the chair.
 On motion the council adjourned.

JULY 2.

The council met pursuant to adjournment.

The journal of Saturday was read and approved.

Three messages were received from the governor:

The first informing the council that he had received five boxes of books for the Territory, and the freight thereon came to \$99.50, and recommending that some measures be taken to preserve them.

The message was referred to the committee on territorial affairs.

The second, recommending a new special criminal terms, and lay before this council for their consideration, a letter from the judge of probate of the county of Santa Fe received by him.

The message was referred to the judiciary committee.

The third, to place in the knowledge of the Legislative Assembly a communication that he had received from the hon. Lucero y Armijo, judge of probate of the county of San Miguel, relative to the Comanche Indians that had entered the settlements, and for the purpose of recommending again the organization of the militia, for the reason that they are believed by him to be very necessary.

The message was referred to the committee on militia.

Mr Gould introduced the following joint resolution:

"That the council appoint a committee to act in union with a similar committee appointed by the house of representatives to investigate and determine within three days, which are the public buildings and grounds of the Territory in the city of Santa Fe, and the condition they are in."

The resolution was read, and

On motion of Mr J. M. Gallegos, the rules were suspended, and the resolution read a second time.

Mr A. J. Martinez moved to strike out the words "within three days," and insert "as soon as possible."

The amendment was adopted.

On motion of Mr J. M. Gallegos, the rules were further suspended, and the resolution read a third time, and passed as amended.

On motion of Mr Leiva,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent Messrs Smith, Aaca, and President.

The president pro tem. in the chair.

Two joint resolutions were received from the house of representatives, one

“Relative to memorializing Congress concerning salt lakes and forests,”

And the other,

“Authorizing the standing committees on public printing to contract for the printing of the laws passed at the present session.”

The resolutions were read, and

On motion of Mr Gallegos, the rules being suspended for the purpose,

The resolutions were read a second time.

On motion of Mr Gould, the rules being further suspended for the purpose, the resolutions were read a third time and passed.

- A House bill entitled

“An act incorporating the independent order of Oddfellows of the Territory of New Mexico.”

On motion of Mr V. Martinez, the bill was laid on the table.

On motion of Mr Gould,

The council adjourned until 10 o'clock, A. M. to-morrow.

JULY

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Leiva.

The committee on militia reported a bill entitled

“Militia law.”

The bill was read, and

On motion of Mr A. J. Martinez, the rules being suspended for the purpose,

The bill was read a second time.

On motion of Mr Gould,

The preamble to the bill was stricken out, and the following title inserted :

“An act regulating the militia of the Territory of New Mexico.”

On motion of Mr Smith, the following was added to section second :

“That the officers of the different companies of the militia shall be elected by the vote of the persons composing such companies.”

On motion of Mr J. M. Gallegos, the words “that the Legislature is capable” were stricken out, and the following inserted, “until otherwise provided by law,” and also to strike out all after the foregoing words.

On motion of Mr Smith, the rules being further suspended for the purpose,

The bill was read a third time and passed as amended.

Three house bills were received of the following titles :

“An act defining the judicial districts of the Territory of New Mexico, and assign to the judges their respective districts.”

The second

"An act to provide for the safe keeping of the prisoners."

And the third

"An act establishing the rights of the people."

The bills were read and referred to the judiciary committee.

On motion of Mr Gould,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent Mr President.

The President pro tem. in the chair.

There being no business before the council,

On motion of Mr P. Gallegos,

The council adjourned until to-morrow at 9 o'clock, A. M.

JULY 4.

The Council met pursuant to adjournment.

The journal of yesterday was read and approved.

A committee was received from the House of representatives the object of which was to solicit the concurrence of the council in an act

“Providing for the celebration of the anniversary of the independence of the United States.”

On motion of Mr. A. J. Martinez,

The council adjourned until to-morrow at ten o'clock, A. M.

JULY 5.

The council met pursuant to adjournment.

The journal of the 14th inst., was read and approved.

The committee on judiciary to which was referred

"An act providing for the safe keeping of the prisoners,"

reported the same back to the council.

The bill, on motion of Mr A. J. Martinez, was laid on the table until the afternoon.

"An act defining the judicial districts of New Mexico,"

On motion, was read the second time.

Mr Chavez offered the following amendment:

"That Tomé shall be the county seat or place of holding the courts in the county of Valencia, instead of Peralta."

The vote being called for,

It resulted in a tie vote.

Those who voted in the affirmative were

Messrs A. J. Martinez,
Gold
P. Gallegos,
Smith,
Baca,
J. M. Gallegos,

Those who voted in the negative, were

Messrs V. Martinez,
Otero,
Chavez,
Castillo, and
A. Ortiz, and
President.

On motion of Mr Chavez, the amendment was laid on the table until the afternoon.

Mr V. Martinez offered the following amendment:

“That three terms of court be held in Santa Fe county.”

The amendment was adopted.

Mr Smith offered the following:

“That the said terms shall commence on the third Mondays of March, July and September.”

Which amendment was adopted.

The committee on roads and ditches to which was referred a memorial to the general Congress,

“Praying an appropriation of fifty thousand dollars to repair the road from Santa Fe to Taos,”

have had the same under consideration, and recommend its passage.

On motion of Mr Gould,

The memorial was read the third time and passed.

Mr Leiva introduced

“An act relative to vagrants.”

The bill was read, and

On motion of Mr Gould, the rules were suspended for the purpose, and

The bill was read a second time, whereupon

On motion of Mr V. Martinez,

The bill was laid on the table until the afternoon.

Mr Gould introduced a bill entitled

“An act relative to pleadings.”

The bill was read the first time, and

On motion of Mr Gould, the rules being suspended for the purpose,

The bill was read a second time, whereupon

On motion of Mr J. M. Gallegos, the rules being further suspended for the purpose,

The bill was read a third time and passed.

Mr Smith voting in the negative.

“The election law”

was received from the House.

On motion of Mr Leiva,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

On motion, the amendment offered by Mr Chavez in the morning was taken up, and

The ayes and noes being called on the adoption,

It was decided in the affirmative.

Those who voted in the affirmative, were

Messrs A. J. Martinez,
Gold,
V. Martinez,
A. Ortiz,
J. M. Gallegos,
Otero,
Chavez, and
Castillo.

Those who voted in the negative, were

Messrs P. Gallegos,
Baca, and
President.

The council then proceeded to take up

“An act defining the judicial districts.”

Mr Chavez offered the following amendment:

“That in the county of Doña Ana, the county seat or place of holding courts shall be Peña Blanca, and not in Algodones.”

Which amendment after discussion was adopted.

On motion of Mr P. Gallegos,

The rules being suspended for the purpose,

The bill was read a third time and passed.

On motion of Mr Chavez,

The council adjourned until the 7th inst. at 10 o'clock, A. M.

JULY 6.

The council met pursuant to adjournment.

The journal of the 5th was read and approved.

The committee on Territorial affairs reported a joint resolution

“Relative to the territorial library,”

back to the council.

The resolution was read, and

On motion of Mr Gallegos,

The rules being suspended for the purpose,

The joint resolution was read the 2d time.

On motion of Mr A. J. Martinez,

The rules being further suspended for the purpose,

The joint resolution was read a 3d time and passed,

Mr Leiva voting in the negative.

A joint resolution was received from the house of representatives,

“Providing the pay of the expenses of the celebration of the
4th of July.”

The resolution was read, and

On motion of Mr A. Ortiz,

The rules being suspended for the purpose,

The resolution was read the second and third time and
passed,

Messrs V. Martinez and P. Gallegos voting in the negative.

The amendments made by the house of representatives to the

“Election Law,”

Were read and all concurred in, except the 2d, 3d, 9th, 10th,
25th, 26th and 28th. which were rejected

A message was received from the Governor, in which he recommends various important subjects.

On motion of Mr Smith,

The message was referred to the committee on revenue.

Mr Leiva offered a joint resolution

“Recommending a joint session for the purpose of taking into consideration the subjects recommended in the Governor’s message.”

The resolution was adopted.

The house of representatives informed the council that, that body concurred in only one amendment made by the council to

“An act, regulating the judicial districts,”

And that—“That three terms of the court shall be held in the county of Santa Fé, commencing the 2d March, July and September.”

On motion of Mr Smith,

The council concurred in the amendments of the house of representatives to the act

“Establishing the county seats of the counties of Valencia and Santa Anna,”

Messrs Otero, Castillo and Leiva voting in the negative.

On motion,

“The law regulating the militia of the Territory”

Was taken up, when,

On motion of Mr Smith,

The council adjourned until to-morrow at 9 o’clock, A. M.

JULY 8, 1911

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr. Baca.

A house memorial to the Congress of the United States,

Was received and read the 1st time.

The militia law of the Territory was read 1st 2d and 3d time and passed.

The committee on judiciary, to whom was referred

“An act establishing the rights of the people,”

Reported the same back to the council, with various amendments, of which was only adopted the substitute for the fourth section.

On motion,

The act was read a third time and passed as amended.

The house of representatives informed the council that, that body would concur in the amendments made to the

“Election law.”

On motion of Mr. Smith,

A committee of conference was appointed, to act in union with a similar committee from the house of representatives, on the amendments.

The committee appointed was composed of Messrs Smith, Leiva and Chavez.

On motion of Mr. A. J. Martinez,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

On motion,

The council proceeded to take up the bill

“Relative to securing the prisoners.”

On motion of Mr Smith,

The bill was laid on the table until some person should introduce a substitute.

Mr V. Martinez introduced a bill entitled

“An act relative to juries.”

The bill was read the 1st time.

Mr J. M. Gallegos presented a memorial to the Congress of the United States

“Relative to public buildings.”

The memorial was read the 1st time.

On motion of Mr Gold,

The council adjourned until to-morrow, at 10 o'clock, A. M.

JULY 9.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Absent, Mr Baca.

A communication was received from the Governor, informing the council that the Indians had murdered some citizens of Ceboletta.

The committee of conference made their report relative to the amendments of the

“Election Law;”

And the sections being read, one by one, the agreement of the committee was adopted.

Mr Smith introduced a bill entitled

“An act, fixing the time at which the Legislative Assembly shall meet.”

The bill was read, and,

On motion of Mr Gold,

The rules being suspended for the purpose,

The bill was read the second time.

On further motion of Mr Gold,

The rules were suspended, and the bill read the 3d time and passed unanimously.

On motion of Mr Gold,

The memorial to Congress

“Praying the appointment of a commission to examine the minerals, &c.”

Was read 2d and 3d time and passed.

On motion, a memorial

“Relative to public buildings,”

Was read 2d and 3d time and passed unanimously.

On motion of Mr Gold,

“An act, regulating juries,”

Was read 2d time.

Mr Smith offered an amendment to section 2d, which was adopted.

Mr Smith offered an amendment to section 3d.

The amendment was adopted.

On motion of Mr Smith,

The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent, Messrs Baca and President.

The President pro tem. in the chair.

On motion, the bill

“Relative to juries.”

Was read the 3d time and passed.

On motion, a bill

“Relative to Odd-Fellows,”

Was read a second time, and

On motion of Mr Gallegos,

The bill was laid on the table.

On motion, the bill

“Relative to Vagrants,”

Was read 4d time and passed.

The house of representatives informed the council that, that body had adopted the report of the committee of conference on the amendments to the

“Election Law.”

A message was received from the house of representatives, informing the council that the house had concurred in the passage of a bill entitled

“An act fixing the time in which the Legislature of the Territory shall meet;”

And stating also that the house had rejected the council bill

“Relative to militia.”

On motion of Mr Geld,

The council adjourned until to-morrow, at 10 o'clock, A. M.

JULY 10

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr Smith introduced a bill entitled

“An act, establishing the time of holding the Supreme Court.”

The bill was read, and

The rules being suspended for the purpose,

The bill was read the 2d and 3d time and passed.

A house bill,

“Providing for the publication of the laws,”

Was read the 1st time, and

On motion,

The bill was laid on the table until the following day.

A joint resolution,

“Fixing the time for the adjournment of the present session,”

Was concurred in by the house of representatives.

On motion, the bill

“Incorporating the Odd-Fellows,”

Was referred to the committee on judiciary.

A house bill,

“Relative to public roads,”

Was read, and

On motion, the bill was read a 2d time and laid on the table until to-morrow.

On motion of Mr J. M. Gallegos,
The council adjourned until 5 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.
Absent, Messrs Baca and President.
The President pro tem. in the chair.
There being no business before the council,
On motion of Mr A. Ortiz,
The council adjourned until to-morrow at 10 o'clock, A. M.

JULY 11.

The council met pursuant to adjournment.

The journal of yesterday was read and approved.

The committee on judiciary, to which was referred a bill entitled,

“An act relative to Odd-Fellows,”

Have examined the same, and recommend its passage as amended by the committee.

The vote being taken on the passage of the bill,

It was rejected by the majority.

The bill

“Relative to public roads”

Was taken up, and

On motion, was laid on the table.

On nomination of Mr J. M. Gallegos,

Juan Morrujo was chosen assistant clerk, who immediately come forward, took the oath of office, and entered upon the discharge of his duties.

A house bill,

“Regulating the practice in the Supreme and District courts,”

Was read the 1st time, and

On motion, the rules being suspended,

The bill was read a 2d time.

Mr Leiva moved to amend the 6th and 7th exceptions of section 7th as follows: Strike out the words “they may.” and insert “they shall.”

The amendment was adopted.

On motion,

The rules being suspended for the purpose,

The bill was read the 3d time and passed.
On motion, the bill

“Providing for the publication of the laws,”

Was read a 2d and 3d time and passed.
A house bill, entitled

“An act regulating contracts of animals,”

Was read, and

On motion, the rules were suspended, and

The bill was read the 2d time.

Mr V. Martinez offered the following amendment to section 4th: strike out the words “that it be first presented,” and insert “that proves the oldest right.”

The amendment was adopted.

Mr A. J. Martinez offered the following amendment to section 2d: After the word “force” insert “if it is not.”

Which amendment was adopted.

Mr A. Ortiz offered the following amendment to section 6th: strike out the words “penalty of stripes.”

Which amendment was rejected.

On motion,

The bill was read a 3d time and passed.

A house bill, entitled

“An act, establishing the city of Santa Fé the capital of the Territory of New Mexico.”

On motion,

The rules being suspended for the purpose,

The bill was read the 2d and 3d time and passed.

The bill

“Fixing the time for holding the supreme court.”

Was received from the house of representatives with an amendment, which was concurred in by the council.

On motion of Mr Smith,

The council adjourned until 4 o'clock, p. m.

AFTERNOON SESSION

The council met pursuant to adjournment.

A house bill, entitled

“An act, prescribing the mode of summoning the grand and petit jury,”

On motion was read 2d time, and

On motion,

Was laid on the table until to-morrow.

A house bill, entitled

“An act, relative to water, ditches and other branches of agriculture.”

The bill was read the 1st time, and

On motion the bill was read a 2d time.

On motion of Mr J. M. Gallegos,

The 7th section was stricken out.

Mr Smith offered the following amendment to section 5th:

After the word “lands” insert “in proportion to their wealth.”

The amendment was adopted.

On motion of Mr Martinez,

All of section 8th, from the word “decree,” to the words “New Mexico,” was stricken out.

On motion,

The rules being suspended for the purpose,

The bill was read the 3d time and passed.

On motion of Mr P. Gallegos,

The vote was reconsidered on the bill entitled

“An act, incorporating the Independent Odd-Fellows.”

The bill being read,

On motion, the rules were suspended, and

The bill read the second time, whereupon

The rules were further suspended, and

The bill read the 3d time and passed.

A memorial addressed to the senate and house of representatives,

“Praying an appropriation sufficient to pay the officers appointed by General Kearney,”

Was read, and

On motion, the rules being suspended for the purpose,

The memorial was read a second time.

On further motion,

The memorial was laid on the table until to-morrow.

Mr V. Martinez introduced a bill entitled

“An act, providing for the appointing of a committee to compile a code of laws.”

The bill was read the 1st time, and

On motion, the rules being suspended for the purpose,

The bill was read a 2d and 3d time and passed.

On motion of Mr Smith,

The council adjourned until 8 o'clock, P. M.

AFTERNOON SESSION.

The council met pursuant to adjournment.

Absent, Messrs Baca, P. Gallegos and President.

The president pro tem. in the chair.

The council proceeded to take up

“An act relative to revenue.”

The act was read 1st time, and

On motion,

The act was read 2d and 3d time and passed.

"An act relative to last wills and testaments,"

On motion, was read the 1st time, and
On further motion,
The act was read 2d and 3d time and passed.

"An act relative to Indian traffic,"

Was read the 1st time, and
On motion,
The rules being suspended for the purpose,
The act was read the 2d time.
Mr Smith offered the following amendment:
That before the word "Indian" insert "barbarous."
The amendment was adopted.
A joint resolution

"Authorizing the Governor to contract for the public printing,"

On motion, was read, and
On further motion,
It was read a 2d and 3d time and passed.

"An act, giving the officers of the Territory power to call upon
the citizens for aid,"

The bill was read the first time, and
On motion, the rules being suspended for the purpose,
The bill was read the second and third time, and passed.

"An act relative to witnesses in criminal cases,"

was read the first time, and
On motion, the rules being suspended for the purpose,
The bill was read a second and third time, and passed:
On motion of Mr Leiba, the council adjourned until to mor-
row at 9 o'clock, A. M.

JULY 12.

The Council met pursuant to adjournment.
The journal of yesterday was read and approved.
Mr Chavez introduced a joint resolution

“Relative to the Castrense Church in the city of Santa Fé.”

The resolution was read the first time, and
On motion, the rules being suspended for the purpose,
The resolution was read a second and third time, and passed.
Mr J. M. Gallegos introduced a bill entitled,

“An act perpetuating and declaring in force certain orders
and laws.”

The bill was read the first time, and
On motion, the rules being suspended for the purpose,
The bill was read the second time, whereupon
On motion of Mr Chavez, the rules being further suspended,
the bill was read a third time and passed.
On motion of Mr Smith,
The council adjourned until 5 o'clock, P. M.

[AFTERNOON SESSION.

The council met pursuant to adjournment.
A house bill entitled

“An act establishing the office of notary public.”

The bill was read the first time, and
On motion, the rules being suspended for the purpose,
The bill was read the second and third time, and passed.
On motion of Mr J. M. Gallegos,

“An act relative to the repairing of public roads,”

Mr J. M. Gallegos offered the following resolution :

Resolved, That the chief clerk is hereby authorized to employ a sufficient number of clerks to copy and conclude the business done at this session by the council, provided, that said supernumerary clerks shall be paid only three dollars per diem.”

On motion of Mr Smith,
The council adjourned till half past seven, P.M.

EVENING SESSION.

The council met pursuant to adjournment.
Absent, Mr Leiba.
Mr Gould introduced a joint resolution

“Authorizing the president of the council and the speaker of the house of representatives to sign all laws and resolutions after the final adjournment thereof, that are passed by the Assembly.”

The resolution was read the first time, and
On motion, the rules being suspended for the purpose,
The resolution was read the second and third time and passed.
A house memorial

“Relative to the Mexican citizens residents in this Territory.”

was read the first time, and
On motion of Mr Gallegos, the rules were suspended, and
the memorial read the second and third time and passed.
A house bill entitled,

“An act on pleadings,”

was read the first time, and
On motion of Mr Smith, the rules being suspended for the purpose,
The bill was read a second and third time, and rejected.
A house bill entitled

“An act explanatory of the law regulating the terms of the courts.”

The bill was read the first time, and
On motion of Mr Chavez, the rules were suspended, and the
bill read a second and third time and passed.
A house joint resolution

“Relative to paying for furniture for both houses, and other purposes,”

was read the first time, and
On motion of Mr Smith, the rules being suspended for the purpose,
The resolution was read the second and third time, and passed.

A committee from the house of representatives appeared and informed the council that the house was ready to adjourn *sine die*.

On motion, a committee was appointed to notify the house of representatives that the council was ready to adjourn.

The committee returned and reported that they had discharged the duties assigned them.

Whereupon, on motion, the council adjourned *sine die*.

JUAN F. ORTIZ,
President.

FACUNDO PINO,
Chief clerk.

APPENDIX.

X

MESSAGE

TO THE MEMBERS OF THE COUNCIL AND HOUSE
OF REPRESENTATIVES OF THE TERRI-
TORY OF NEW MEXICO.

GENTLEMEN OF THE COUNCIL AND HOUSE OF REPRESENTATIVES:

You have assembled for the grave and important purpose of legislating for the people of New Mexico, and upon the result of your deliberations, under the guidance of that providence who watches the poor sparrow, their future happiness and prosperity mainly depend. It is at all times a delicate task to originate a government suited to the wants of the governed, but it is infinitely more difficult when long established customs must suddenly yield to a stern necessity, or the usages of a more enlightened age, and a new government must supersede the one previously existing. There is no effort more difficult than to unlearn early inculcations, strengthened by years of endurance of wrongs perpetrated upon our natural rights. This is now to be effected, and the people have secured rights too long withheld. The popular idea that the people are capable of self-government, is now advocated in every land where the voice of civilized man is heard. The vicissitudes to which the people of this Territory have been subjected will lend a painful interest to the page which correctly records the history of New Mexico, to be beautifully and gloriously relieved by the beneficent, enlightening and invigorating results that are to flow from the wise and sagacious councils of

the first Legislature, assembled by virtue of the Constitution of the United States of America, under the Organic Law specially authorizing the formation of a Territorial Government. Heretofore, in many instances, it is believed, the governed in New Mexico, have submitted to civil and military decrees, suggested frequently, by caprice and other motives, without reference to the public weal. The decrees of to-day were not necessarily the laws of the ensuing day, hence the anomalous and contradictory character of judicial and other proceedings in this Territory. The will of one man has disposed of your persons and property. At length a glorious change has occurred. Military sway and dictation, and civil despotism, have retired before the genial influence of republican institution, and upon you is devolved the high responsibility of framing such laws as will secure the just ends of a representative government, restrained only by the limitations of the paramount law of the land, the Constitution of the United States, and the Organic Law, passed during the first session of the 31st Congress, and approved by Millard Fillmore, President of the United States, on the 9th day of September, 1850. Without a due knowledge of these important documents, it will be impossible to observe the injunctions therein contained, and they are herewith transmitted, and are our only guides in the discharge of our respective duties. Where these do not restrain your action, the boundless field of legislation is opened to your discretion and judgment.

In arranging the counties and districts for the election of members of the Legislative Assembly, I adopted the counties as hitherto understood in this Territory, with the exception of Valencia county, and that county I divided as indicated by a Legislative body who assembled in this city on the first day of July, 1850.

In dividing Valencia county, I had not sufficient data to authorize me to give to the residents south of the Jornada a separate county. But, it is evident, in organizing counties, they should be so arranged as to accomplish the objects designed by organizing communities. I recommend, that all that portion of Socorro county which lies south of a line, running due east and west, ten miles north of Santa Barbara, shall be organized as a new county. It is manifestly unjust to bring the people of that section across the Jornada for the purpose of attending courts, either as plaintiffs, defendants, jurors, or witnesses. It would be ruinous to small estates, if administrators, executors, and others interested should be required to cross the Jornada to attend Probate courts. It is proper here, to remind you, if this new county is accorded, it may be necessary to make some provision for the protection of District Judges, and others in crossing the Jornada, for the purpose of holding courts in the proposed new county.

The accompanying table, No. 1, will show you the population of each county, the aggregate population of the Territory, Indians excepted, the ratio of population, the number of members assigned to each district and county, and the fractional popula-

tion, apparently unrepresented. To the counties and districts having the largest fractional surplus of population, were assigned additional councillors and representatives, so as to make up the representation as authorized by the Organic Law.

The arranging of the counties and districts, and apportioning the representation in the several counties and districts, the ordering of the elections for members of this Legislative Assembly, and the calling of you together this day and in this place, have been done in accordance with the authority vested in me by the Organic Law granted to the Territory by the Congress of the United States. Hereafter, with the exception of the first election for delegate to Congress, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties and districts to the Council and House of Representatives according to the population, the aforesaid Organic Law declares, shall be prescribed by law, as well as the day of commencement of the regular session of the Legislative Assembly, *Provided*, That no one session shall exceed the term of forty days. This is devolved upon you.

The sixth section of the Organic Law, prescribes the qualifications of voters at the first election, the qualifications that gave to *you* the seats you now occupy, but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, including those recognized as citizens by the Treaty with the Republic of Mexico, concluded February second, eighteen hundred and forty-eight.

The qualifications of voters and of holding office should receive early consideration. It frequently happens that mere sojourners in a country where the law is not controlling, affect as much importance at the ballot-box, as the resident citizen who alone is to be effected by the result of popular elections. It is manifestly unjust, that strangers temporarily residing in your midst, should assume to interfere in the elections of the agents which you must, from time to time, select, to conduct the affairs of the people. There is nothing more corrupting or dangerous to the liberties of the people, than frauds committed under the assumed guise of personal rights. Allow me to say, it is our solemn duty, so to guard the rights of our citizens, that is, the people of the Territory, that their own votes shall reflect their own purposes. Hence the necessity of stringent laws upon this subject, and that the penalties you prescribe, for frauds committed at the ballot-box, whether as voters or managers, should be severe and summarily enforced. The remedy is in your hands, and, I again earnestly recommend you to apply it, giving to the sojourner his entire due, and protecting the citizen in the full enjoyment of all his rights.

I suggest the propriety of a law which shall require each voter to register his name prior to an election. Such a law will be

useful in this Territory, and prevent many of the frauds that cannot be avoided otherwise.

It is also made the duty of the Legislative Assembly, at their first, or any subsequent session, to organize three judicial districts, and assign the Judges who may be appointed for said Territory, to the several districts, and also appoint the times and places for holding the courts in the several counties or subdivisions in each of said judicial districts. Until otherwise provided by law, the Governor is clothed with the authority to exercise the powers enumerated in this paragraph. 13th and 16th sections of Organic Law.

In order to guard, as much as possible, against delays in our courts of justice, and to remedy the inconvenience that might otherwise result by the absence of our circuit-judges, who may be expected at an early day, I suggest the propriety of giving temporarily, to Judge of Probate, criminal and civil jurisdiction to such extent as your wisdom may approve. If deemed advisable, it might be well to provide for the immediate transfer of grave and intricate cases to the appropriate tribunal so soon as our Judges arrive. In cases of offenses where capital punishments are authorized, and the title to real estate are concerned, I do not advise that jurisdiction over such cases shall be given to Probate Courts.

The Legislative power of the Territory extends to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of the Organic Law, but the Legislature has no authority to pass a law interfering with the primary disposition of the soil, nor impose a tax upon the property of the United States, nor tax the lands or other property of non-residents higher than similar property of residents. See sec. 7.

The importance of guarding our legislative action and conforming to the requirements of the Constitution of the United States and the Organic Law, giving to us a Territorial existence, will justify me, I trust, in the judgment of the Council and House of Representatives in urging a careful consideration of every section of the aforesaid Constitution and Organic Law.

Provisions must be made for the appointment or election of the various county officers which you may deem necessary for the proper conduct of our Territorial interests, their respective duties should be carefully defined and their compensation and fees should be distinctly fixed by law, so as to avoid the possibility of doubt, fraud, or imposition upon the ignorant.

To your judgment is submitted the proper limitations of the several courts provided for, both appellate and original. Justices of the Peace cannot have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars. It is your duty to prescribe the regulations under which writs of error, bills of exception and appeals shall be taken up to appellate tribunals.

Whether the Probate Judges should have jurisdiction beyond

what usually pertains to his official position, such as managing or supervising the conduct of others in the management of the estates of deceased persons, having proper care taken of orphans and their respective claims to estates, providing for the poor, the blind, the deaf, the dumb, and the lunatic, causing the highways, canals, and acequias to be kept in good repair, and taking care of the public health generally, you will determine.

If you deem it advisable to confer upon this court civil and criminal jurisdiction, it is important to prescribe by law a jurisdictional limit.

The extent of the criminal jurisdiction of the courts of Justice of the Peace, should also be defined. If they are allowed other than committing powers, I respectfully submit they should be confined to small larcenies and disorders, whether in our roads or in other places. In all cases to which you may attach heavy penalties, I think it advisable to allow them committing powers only; but in cases of petty larcenies and disorders where summary punishment shall be authorized, the quiet of society may demand the conferring of such authority upon Justices of the Peace. Idlers without means, and vagabonds who live by thieving, should be made to labor for themselves, or the public. In all cases before the courts of Probate Judges and Justices of the Peace, appeals should be allowed under such regulations as you may prescribe by law.

Crimes should receive such condign and prompt punishment as to deter offenders, hence, I suggest the propriety of special criminal terms, as frequently as a proper convenience to the people and public officers will permit. A large class of offenders are held in duress at the expense of the people, and it is a subject worthy of consideration, how far this may be remedied. Frequent criminal terms, may, to some extent, lessen the weight of taxation, which the people must pay to support criminals. But may it not be entirely remedied by a wise system of involuntary labor, required of criminals, without competing with the industrial pursuits of the honest laborer of the Territory? This subject will, doubtless, claim your consideration.

Humanity shudders at the thought of capital punishments, but I am not prepared to recommend their entire abolition at this time. The day is near at hand, I trust, when you will be prepared to substitute an effective remedy for such punishments. But time and means are necessary to perfect a system, which the oldest and wisest Governments have not yet fully attained. If the Legislature shall desire to establish a Penitentiary system, an appeal to the generosity of Congress might secure an appropriation for that purpose. In this connection, I suggest, for your consideration, the propriety of prescribing by law, the regulations under which pardons may be granted. The subject of commuting punishments is an important one, which I commend to your consideration.

There is no subject more difficult of adjustment than that of taxation. The common sense of all mankind unite in declaring that all exactions for the support of governments, should be

borne alike, having a just regard to the means of each individual, by the people residing and receiving protection from the government where they are pleased to reside. Upon every pursuit and occupation let equal exactions be required, and there can be no oppression, of which a just man should complain.

The amount of taxation which may be necessary to support the Territorial government, will depend entirely upon your legislation. Not one cent beyond the just wants of the government should be collected, and the most rigid economy should be practiced. The liberality of the government of the United States has granted to our Territory the accompanying appropriations. Table No. 2.

Whatever may be necessary beyond those appropriations, your wisdom will provide. Taxes for county purposes, must also be authorized, under such restrictions as you may adjudge discreet.

Town corporations, I regard, as important auxiliaries in the preservation of public order and decency. To sustain their authorities, certain powers to create a revenue, must be conferred upon them. How far licenses for gambling, peddling, dram-shops, exhibitions, fandangos, auctions and trading generally, should be taxed, for territorial, county, and town corporation purposes, is for your determination. In relation to gambling, it has been suggested to me, that a prohibitory act, under a scale of fines would create a greater revenue than the system of granting licenses.

The serious evils of gambling are daily seen, and if it could be accomplished, its entire prohibition would contribute immensely to the peace and happiness of society.

Whatever you may authorize county or town corporations to do, should be clearly and distinctly defined by law.

The subject of education will not fail to command a full share of your consideration. Unless the people are educated and enlightened, you may in vain expect a sound morality to prevail, either in public or private life. A government in which ignorance and vice prevail, can neither be stable nor prosperous, and you, as sages in council, should lay the corner stones of sure foundations, upon which to build edifices from whence the youth of the Territory may acquire light and knowledge, and be prepared to take your places after you shall have been gathered to your Father.

I regard it as important to establish female seminaries, as to educate the sons of New Mexico. Unless our females are wise and virtuous, there can be no refinement in society, and men will imbrute themselves. Every interest of society demands that a proper system of education should be established without delay.

The provisions made by Congress for schools in this Territory are utterly inadequate. It is true, we have beautiful and rich valleys, and our mountains abound in minerals, but, as yet, the value of these minerals is a matter of conjecture, and cannot be determined until security to persons and property is afforded. The singular topography of New Mexico is not well understood

abroad. Congress has accorded to us the sixteenth and thirty-sixth sections in each township when the lands shall be surveyed, and it was doubtless supposed, that the same liberality was extended to this Territory that had been granted to others. So soon as Congress becomes more intimately acquainted with the peculiar formation of the surface of this Territory, and ascertains the fact that a vast majority of its area, is covered by inaccessible and rugged mountains, perhaps wholly valueless, it is not doubted, other provisions will be substituted, or added to this well purposed grant. Upon this subject I recommend you to memorialize Congress, and respectfully ask for such an appropriation as will be equal to what has been granted to other Territories for schools.

Nothing so surely contributes to a sound morality as the means to supply our necessary wants, so as to avoid that dependence which, but too often, annihilates the innate virtue vouchsafed to us by the Father of our existence. Dependence and degradation are inseparable, and poison the very fountains of honesty, truth and virtue. If these assumptions be true, should not wise legislators, seek to remedy the evils consequent upon poverty? This, it is admitted, is a wonderful age, and utilitarians are abroad in every land, and the most impracticable systems are devised and vehemently pressed for public acceptance. Many of these are the hallucinations of an overwrought philanthropy, and evoke, perhaps, the just ridicule of reflecting individuals. I apprehend, however, there is no suggestion it matters not how impracticable, that does not answer some useful purpose. Thought begets thought, and the grossest absurdities, suggest great and important improvements. The proudest monuments yet erected by the philanthropic sage, for the protection of the wives, daughters, and the children of the present age, are to be seen in the laws which secure to families homestead exemptions.

This heaven-born principle, adopted as it is by almost every State and Territory of the United States, occupies a portion of the brightest pages of the just laws of a wise people. This subject is commended to your favor by every principle of morality and humanity. Let us, at the very commencement of our career in self government, take special care of the weak and innocent, and secure to them the means of an honest and virtuous independence, the surest shield of probity and morality.

Domestic relations, such as marriages, divorces, descent of property, and other subjects, which will readily occur to you, are objects of the greatest concern to the people of all countries, and it is not doubted that wise legislation in reference to these various subjects, will have the happiest effect upon the future prosperity of New Mexico.

The relations between masters and peons should be distinctly defined, and each should understand their respective obligations, and appropriate remedies for a violation of them, upon the part of either, should be provided.

Free negroes are regarded as nuisances in every State and Territory in the Union, and where they are tolerated, society

is most degraded. I trust the Legislature will pass a law that will prevent their entrance into this Territory. The disgusting degradation to which society is subjected by their presence, is obvious to all, and demands a prohibitory act of the severest character.

The farming interests of this Territory require special legislation, in order that the industrious may reap a due reward for their labor. A just system of irrigation is demanded and the proper disposal of animals during the seasons for cultivating the soil, should be prescribed by law. A law requiring the record of marks and brands of animals and the manner in which such animals may be legally transferred, is certainly necessary.

The subject of weights and measures requires legislation; and severe penalties should be inflicted upon those who practice deceptions upon the ignorant and unsuspecting.

The uncertain tenure by which landed property is held, is a source of great irritation in this Territory, and some remedy for this incubus upon our prosperity should be immediately applied.

There is landed property in this Territory of some value, the titles to which are not distinctly affirmed. Even the titles to the palace and the adjacent grounds north of it, and other property in Santa Fé, are questioned by individuals, some contending that the property is legally owned by the United States, and others affirming that it belongs to the Territory of New Mexico. The liberality of the Government of the United States, if properly appealed to, will, without doubt, relinquish any probable right which that Government may be supposed to have to such property, to the Territory of New Mexico.

There is certain property in this city, said to be claimed by the Catholic Church, which, a few years ago, was seized, and has since been used by authority of the Military Government which has heretofore controlled in this Territory. It has been suggested that the Territory has a claim to this property; others assert that it rightfully belongs to the government of the United States. It is perfectly evident that the military church in this city was designed for the use of the catholic clergy, in their ministrations with the military community and others, and it appears to me that the Legislature should not hesitate a moment in restoring the church property here alluded to, to those who should rightfully enter it for the purpose of administering the rites of the catholic church. This may be accomplished by an act of the Legislature. I further recommend the Legislature to memorialize Congress on this subject, and ask that body to relinquish all claim they may possess, to the catholic clergy, now resident in this Territory. This course, I conceive, will be just and proper, and will avoid all litigation, and quiet annoyances that may not be otherwise escaped.

If the prosperity of this Territory was less dependent upon an

early and liberal disposition of the public lands belonging to the United States, the propriety of alluding to the subject might be somewhat questionable. There are but few, if one, who can tell you which are public or private lands, and it is quite important to have such questions settled. Unless this country is thoroughly explored, the value of the public lands can never be known. It is hoped and believed it will be surveyed and put upon the market at an early day. Before this can be accomplished, the wild Indians around us must be subjected to proper restraints.

That class of the population of this Territory who have retained the title and rights of Mexican citizens, should be incorporated and regarded as a part and portion of the political community of New Mexico. Many of these people were misled and precipitated into the act, which *seems* to have been an election to retain the character of Mexican citizens. But it is not believed that, that legal formality has been observed, in the supposed election, which should deprive this class of the population of the rights and privileges which pertain to those who were not misled. The Congress or the Judiciary of the United States, only, can remedy this matter. We all know that many of the most intelligent, virtuous, and wealthy citizens residing in New Mexico, regret the indiscretions which have placed them in a false position. They rank with the very best citizens of the Territory, and none are more patriotic and devoted to the interests of our now common country. From the foregoing statement, you will readily conclude, and justly too, that I am fully prepared to recommend to you such action as will tend to permit each and every one of them to become citizens of this Territory if it shall be their pleasure to do so.

To accomplish this end, I recommend the Legislature to call the attention of the Government of the United States to this subject, and submit to the Congress of the Union, the propriety of passing a law, authorizing in a plain and simple way, a process by which these excellent citizens may become a part and parcel of the people of New Mexico, entitled to all the rights and privileges of the more fortunate. The meritorious character of this class of our resident population, authorizes me to urge this matter to your favorable consideration.

There is not a more difficult problem arising in this Territory than that of a proper disposition of our Pueblo friends. What should we do with them? They are here in our midst, surrounded by our New Mexican population, and rightfully, in my opinion, without authority to mingle in our political affairs. These people, however, must necessarily have the same protection that is afforded to the most favored. It is a well known fact, that they own portions of the richest valley lands in this Territory, and why should they be exempt from paying a just proportion of the taxes which must be raised to support the Territorial government? Concede this point, and another question necessarily arises. They are tax paying residents, but not aliens, and are you prepared to elevate them to full fellowship? I cannot re-

commend such an union. But it is inevitable, they must be slaves (dependents), equals, or an early removal to a better location for them and our own people, must occur. This subject is one of vast import, and should be well considered, and, if you agree with me, Congress should be memorialized in relation to the position which you may be pleased to assign to them. It is perhaps advisable to pass an act, authorizing the extension of the laws of the Territory over the Pueblo Indians within its borders, postponing their extension to such period as may be necessary to consult the Government of the United States in reference to the policy to be pursued with these Indians. That policy should not be disturbed. In the mean time, however, I recommend that if any one, or more, of the Pueblos, should manifest a desire to abandon their separate existence, as a people, that the laws of the Territory be immediately extended over them, under such regulations as you may prescribe.

The wild Indians who encircle New Mexico, and who commit their murders and depredations, and seize captives immediately in the vicinity of our towns and ranchos, must be brought into proper subjection, or exterminated. Their daring and impudence are equalled only by their success in their butcheries and devastations and desecrations. In order to be able to defend our firesides, and protect the persons and property of the Territory, an efficient military system should be adopted, and munitions of war procured. Volunteer associations are objects of special regard in the States and Territories, and I recommend you to encourage such associations, as the surest defence against outbreaks either at home or abroad. The Government of the United States will take care to protect the interests of this Territory, to the same extent that other portions of the Union are protected. Our isolation causes delays that are to be regretted, but in a very short period we may expect that ample protection of which the American family may proudly boast.

The heavy losses to which the people of this Territory have been subjected, by reason of the inadequate protection afforded them, should receive consideration, and the subject should be laid before the Congress of the United States, for such action as justice may dictate.

Past defalcations and recreancies of public officers should admonish the Legislature to guard for the future, the public monies, and provide suitable penalties for all officers who shall abuse their public trust. Whether such officers should be permitted the right of suffrage and of holding office, subsequent to a conviction for embezzlement, or conniving at an embezzlement, or a premeditated official wrong against an individual or the Territory, may well be doubted, and the subject of this paragraph is submitted to your judgment.

It will be necessary for you to give some instructions in reference to present defaulters. The extent of their defalcations is not known, which it is important to ascertain and recover, if possible, and if such officers cannot be otherwise punished, let them be held up for public reprehension.

The various laws which you may pass requiring expenditures, and a contingent fund will doubtless be provided for in your tax and appropriation bills. By the latter clause of the 12th section of the organic law, you will perceive what provisions the Congress of the United States are bound to make to defray expenditures for contingencies, the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses.

Table No. 2, shows the appropriations made by Congress on the 30th September, 1850, for this Territory, and the objects to which the funds are applicable.

Before ordering elections for the Legislature, I was required to have the census of the Territory taken. For the counties of Taos, Rio-Arriba, Santa Fé, San Miguel, Santa Anna, and Bernalillo, I appointed one individual only, for each county.— I appointed three for Valencia. I recommend you to make liberal appropriations for the payment of the individuals who discharged the services required of them by my appointment.

The fiscal condition of the Territory will be laid before you at an early day.

By the 13th section of the organic law, it is made the duty of the Legislative Assembly, and the Governor, as soon as they shall deem it expedient, to locate and establish the seat of Government for the Territory of New Mexico, at such place as they may deem eligible, which may be in like manner changed.

We should be cautious in locating and establishing the seat of Government. There should exist no doubt as to the soundness of our title to the grounds upon which we may desire to build.

If you should determine to allow the Seat of Government to remain in Santa Fé, and continue to use the Palace, it must be thoroughly repaired and remodelled. There is not a room in it that does not require repairs. I respectfully invite you to examine the entire building and adjacent grounds.

The archives of the Territory are exposed, and in an unsafe depository, and until you authorize a night guard, or such improvements as will make them safe, they are in danger of being destroyed.

The Palace, and the adjacent grounds north of it, I am perfectly satisfied, from the investigations I have made, were designed for the use of the civil government of the Territory of New Mexico, and ought now to be in its possession. I have not been able to find the title deeds or grants for the property. The oldest inhabitants unite in declaring that when the military and civil powers were not united in the same person, the civil authorities controlled the property. The Executive office, the Secretary's office, and the residence of the civil Governor, have been, uniformly, in the Palace. The greater portion of the ground, and a part of the Palace, are now in the possession of the military authority of the United States, and my application to the commanding officer of the department, that certain rooms occupied as an office by the A. A. A. General, might be vacated, was not acceded to. I have therefore been compelled, at a heavy

expenditure, to remove to other quarters. in order to make room for the sitting of the Legislature.

Whether this property belongs to the Government of the United States, or to the Territory of New Mexico, is a question to be settled, in part, elsewhere. But there can be no reasonable doubt as to the rightful occupant pending the adjudication.— That the liberality of the Government of the United States will be manifested in relinquishing to this Territory all the right and title which that Government has acquired to this property, is scarcely to be questioned.

In conclusion, allow me to say to you, Councillors and Representatives, that it is my intention, at all times, and in all places, to exercise my soundest judgment, and to use my best efforts, to promote the happiness and prosperity of the people of New Mexico, and you may confidently rely upon my hearty cooperation with you in the discharge of the important duties with which we are entrusted.

JAMES S. CALHOUN.

Santa Fé, N. M., June 2d, 1851.

TABLE No. 1.

Census returns of the various counties and districts of the Territory of New Mexico (Indians excepted), taken in accordance with the 5th section of the Organic Law :

Counties.	Population.	Districts.	Senators.	Surplus.	Representatives.	Surplus.
Taos,	11,693				4	*1,178
Rio Arriba,	9,946	21,629	4	*4,093	4	*1,178
Santa Fe,	6,701				3	*1,127
San Miguel,	7,653	15,264	3	2,112	3	987
Santa Ana,	2,444				1	255
Bernalillo,	6,663	9,107	2	339	3	82
Valencia,	5,917				2	*1,533
Socorro,—Upper District,	3,804				2	*2,016
Lower district,	1,262	10,984				
		56,984	11		22	

The ratio of representation for Councillors is 4,384, and that for Representatives is 2,192.

The returns from the lower district of Socorro not having been forwarded, the estimate of the population was made from the best information that could be procured.

The districts and counties marked thus (*), having the largest surplus, are entitled to the extra Councillors and Representatives.

TABLE No. 2.

Appropriations made for the Territory of New Mexico, at the 1st session of the 31st Congress of the United States :

For salaries of Governor, Superintendent of Indian Affairs, three Judges and Secretary,	\$ 9 700
For contingent expenses of said Territory,	1,000
For compensation and mileage of Legislative Assembly, clerks, officers, and contingent expenses of the assembly,	24,000
For Library of said territory,	5,000
For Public buildings of the Territor of N. Mexico,	20,000
	\$59,700
	G

R U L E S

OF THE

LEGISLATIVE COUNCIL.

CHAPTER I.

ARTICLE I.

At opening of the session there shall be elected by a plurality of the votes a President, the person so elected shall take his seat at the hour to which the session adjourned, and the members shall immediately be called to order, by their names placed in order, and there being a quorum present, the session shall open by reading the journal of the previous day, and after it has been corrected, should it be necessary, shall be approved.

ARTICLE II.

After the journal has been corrected, and copied in the proper book, it shall be signed by the President and the chief clerk, and after which shall proceed in the following manner.

1. Letters, Petitions, Memorials, and all other documents directed to the Council shall be presented.

2. Resolutions shall be offered and taken up, motions shall be made giving notice of the intention to introduce Bills or any other matter

3. Reports of standing committees, and afterwards reports from special committees.

4. Messages and communications from the Executive, shall be taken up.

5. Messages from the House of Representatives, and amendments made by the House for the deliberation of the Council.

6. All Acts and Resolutions from the House of Representatives, shall be read three several times, on three distinct days, unless the reading as regards the time be dispensed with by the Council.

ART. 3. The President shall preserve order and decorum, he may speak to questions of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject however to an appeal to the Council by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

ART. 4. When a motion is made and seconded, the President shall place it before the House for discussion, but if it be made in writing, it shall be delivered to one of the clerks, to be read in a loud voice to the House before it is discussed.

ART. 5. The President shall rise to put all questions, but may state them sitting, but he must rise to announce the decision of the House on any question.

ART. 6. The President shall sign all Acts, Resolutions and Addresses, of both Houses in joint committee, all warrants, writs, and subpoenas, issued by order of the House shall be under his hand and seal, and attested by the chief clerk.

ART. 7. When the President shall desire to speak on any question, he shall call some member to take the chair, and proceed to speak on the subject.

ART. 8. When two or more members shall rise at the same time to speak, the President shall decide which shall speak first.

ART. 9. The President shall have all questions distinctly put in the following manner:—All those of the affirmative shall say aye, and those of the contrary opinion shall say no. If any doubt shall exist relative to the majority, in the vote, or any member shall call a division, the President shall order that all who are of the affirmative to rise from their seats, and afterwards those of the negative, and the vote shall be counted.

ART. 10. The President shall appoint all standing and special committees; to the first shall be referred the following matters:

Territorial Affairs,
Judicial Affairs,
Agriculture and Manufactures,
Territorial Revenue and Expenses,
Militia,
On Schools and Education,
On Elections and Privileges,
On Printing,

Which shall be composed of three members, and the last shall be composed of two, three, or more, a list of which shall be made, but at other times and by order of the House the committees may be appointed by the same.

ART. 11. The President shall preserve order, modesty, gravity and decorum in the chamber, which will add respect to the body, and if any member shall cause any disturbance, break any rule, or in any other manner misbehave, he shall be called to order by the President or any member of the chamber, such member shall immediately come to order, but he may appeal to the chamber, but should he not appeal, he shall abide the decision of the President.

ART. 12. The President shall be elected for one period of session only, and at the end of this time, a new election shall be had for President, such election shall also be had in case of a perpetual or temporary vacancy, for a new President.

CHAPTER II.

OF THE CHIEF CLERK AND OTHER OFFICERS.

ART. 1. There shall be one secretary and three clerks, one door-keeper and sergeant-at-arms, who shall be elected at the opening of each session, or at any other time should it be necessary, who shall be sworn before they enter upon the discharge of their respective duties.

ART. 2. It shall be the duty of the secretary,—

1st. To keep the journal, records, and all other acts and proceedings in good order.

2nd. To write out all messages, communications, and copying of documents dispatched to the House of Representatives.

3d. To file all public documents.

4th. Attest all warrants, writs, and subpoenas issued by order of the chamber.

6th. To superintend in the purchase and preservation of the books and stationery of the office.

7th. He shall keep a list or index of all the proceedings relative to bills approved by both houses, and execute the orders of the chamber relative to his office.

8th. He shall distribute the work among the clerks, and make packages in order of all papers of each class after their approval.

9th. He shall also keep an exact account of the mileage and pay of the members and other officers, and all other expenses of the chamber.

10th. He shall with the assistance of the clerks, arrange the archives, and make out an inventory of all the books, documents and all other articles of the chamber, in order that he may, at the close of the session, deliver them into the Secretary of the

Territory, to the end that they may be secured in the most convenient manner, leaving with him a copy of said inventory, to be presented to the chamber.

ART. 3. It shall be the duty of the door-keeper to take care of the chamber, shall keep it open before and after the session, for the convenience of the members of the council, who may have business therein, and shall be present whilst the chamber is open; he shall take care of the furniture in the same; he shall supply water for the use of the chamber; he shall keep the chamber clean, as also the porch in front, and passage; he shall keep a supply of fuel and other necessary things, shall not permit any person to enter within the bar of the chamber, shall announce all messages or communications, and finally, obey all orders from the president or chamber relative to the duties of his office.

ART. 4. The sergeant-at-arms shall wait upon the chamber during its session, and execute all orders, as also all other proceedings dispatched from the chamber, when ordered by the president, and finally, he shall be quick and vigilant in the compliance of all orders he may receive proper to his office.

CHAPTER III.

OF THE ORDER OF DEBATE AND OTHER PROCEEDINGS.

ARTICLE 1. When any member wishes to speak on any subject before the chamber, make a proposition, or even motion, he shall rise from his seat, and respectfully address himself to "Mr President," who shall answer:—"The gentleman from ———," and then may continue his discourse.

ART. 2. No member shall speak more than twice to the same question, without leave of the chamber.

ART. 3. All motions and propositions to be presented, shall

be reduced to writing, and signed by the person who makes them, if the President requires it, or any member demands it; except motions to adjourn, postpone, to lie on the table, or the previous question.

ART. 4. When any question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a certain day, to amend or commit, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

ART. 5. A motion to adjourn shall always be in order, and shall be received without discussion, and every member present shall vote, unless excused by the chamber.

ART. 6. When any motion, proposition, or any other matter has been put in debate, and no member wishes to speak, it shall be declared sufficiently discussed, and on the judgment of the chamber the vote shall be taken, all the members voting as their names are called in order, the President voting last, and this shall be the duty of all the members without excuse, unless excused by the chamber.

ART. 7. The vote shall be taken on all resolutions, approval of bills, and determinations of the chamber, and when there is a tie vote, the vote shall be repeated for its decision, and if not decided, it shall be decided by lot.

ART. 8. For the final decision of any question, a majority of the votes of the members present shall be necessary.

ART. 9. Whilst the President is putting any question, or addressing the chamber, none shall walk out or across the chamber, nor in such case when a member is speaking shall entertain private discourse, nor whilst a member is speaking, shall pass between him and the President.

ART. 10. Bills received from the House of Representatives, and those originating in the council, shall receive three several readings, as mentioned in article 2d, of chapter first. The first reading of a bill shall be for information, for its admission or opposition; if admitted, it shall be laid on the table, to be taken up in its regular order; upon the second reading, the President shall state it as ready for debate, modification or amendment; and after the third reading, the vote shall be taken on its final passage only.

ART. 11. If the bills, mentioned in the foregoing article, on their first reading shall be rejected, the following proceedings shall be had: If the rejected bill originated in the House of Representatives, it shall be returned with the reasons that caused its rejection or amendment; and if it originated in the Council, it shall be returned to its author.

ART. 12. When confidential communications are received from the Governor, or from the House of Representatives, from any circumstances represented to the chamber, it should deem it proper, it may go into secret session with closed doors, turning out the spectators, and only admitting the persons that may be necessary.

ART. 13. When any spectator shall cause any disorder, or

behave himself disrespectfully to the chamber, the President shall order the Sergeant at Arms to put him out of the chamber, and should he persist in his conduct, he shall order and send him to prison, and punish him in any way the chamber may direct; and may also, should it be necessary, lay a complaint before the proper authority of the matter, with previous notice of the occurrence.

ART. 14. Every member of the council shall be prompt in his attendance at the hour of meeting, and only for legal cause and notice of the fact, shall he be excused, but any member who shall fail to appear, except as above stated, shall be punished by the chamber in their discretion, in proportion to the offence, which he shall suffer.

ART. 15. If a bill or any other matter, that has received the first and second readings, with discussion, and even may have received the third reading, and the vote taken and decided, any member of the majority may move a reconsideration, on the same day or the day following, and such proposition shall have precedence to all other motions, except a motion to adjourn.

ART. 16. When any member of the council may ask leave to return home, by reason of sickness or any other cause, he shall make his solicitude in writing, setting forth therein the cause why he wishes to be absent, and then the council shall determine the matter by vote.

ART. 17. It shall be in order throughout the session, when deemed convenient, for the Council to resolve itself into a committee of the whole chamber, on the affairs of the Territory, or others that may be deemed of equal importance.

ART. 18. In forming a committee of the whole chamber, the President shall leave his seat, and a chairman shall be appointed by the President of the chamber.

ART. 19. All the rules of the chamber that are applicable, shall be observed in committee of the whole.

ART. 20. No rule of the chamber shall be suspended, unless by a vote of two thirds of the members present.

ART. 21. There shall be an Interpreter, who shall be elected at the same time the other officers of the chamber are elected, or whenever it may be necessary, who shall be sworn before he enters upon the duties of his office. His duties shall be the following:

1st. To be present in the council chamber during the entire session, unless excused by the chamber.

2d. To inform the chamber verbally, or in writing, of all matters from the Castilian to English, and from English to Castilian, and to any member requiring it.

ART. 22. All accounts presented of the expenses of the chamber against the appropriation, shall be revised, examined and approved by the corresponding committee, who will make the respective report thereon to the chamber.

ART. 23. At the opening of each session, the previous rules of the council chamber shall be read, and the attention of the

members shall be called to them for their observance, not only in the directive part, but also in the coercive.

ART. 24. The rules may be altered whenever the chamber may deem necessary, but the modifications or additional articles shall lie one day on the table before their adoption, and they shall also receive three several readings.

ADDITIONAL ARTICLE.

It shall be the duty of the Secretary to see that all documents, acts, resolutions, and bills, that are approved by both Houses, or those that in particular may be singularly incumbent upon the Hon. Council, and all other things pertaining to his office, as described in article 2d, chapter 2, of the rules, are ready and copied in good order by the last day of the session of this Hon. chamber.

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